IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1294 OF 2006

Mumbai Shramik Sangh ... Petitioner

Vs.

The State of Mah. and Ors. .. Respondents

Mr. R.D. Bhat for Petitioner.

Ms. Nilesh Jain i/by Joy Legal Consultants for R. Nos. 5 and 6.

Mr. P.G. Sawant for R. Nos. 1 and 2.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA JJ.
DATE : 4th May, 2006

P.C.:

. Rule. Heard forthwith.

. It is the case of the Petitioners that there is a closure without following due process. They have taken up the matter before Respondent No. 4 in conciliation by communication dated 11.4.2006. Respondent No. 4 instead of taking the matter in conciliation has observed that if the Management has committed breach of Section 25(o) they may take legal steps.

. From the record it appears that apprehending industrial dispute, Petitioners had moved Respondent No.4.The dispute pertains to the closure of the establishment. Today there is closure. In the light of that, as all the three ingredients of employer, the workman and Industrial dispute being prima facie in existence, Respondent No. 4 was duty bound to enter into the conciliation and submit

failure report to the State Government. Considering the above, we propose to dispose of the petition by issuing following directions :

(1) The Respondent No. 4 after hearing the Petitioners and employer of Respondent Nos. 5 and 6 to submit failure report within four weeks from today. On such failure report being submitted, Respondent No. 1 to take steps under Section 12 of the Industrial Disputes Act within four weeks thereafter. Rule made absolute accordingly. No order as to costs.

(F.I.REBELLO, J.)

(ANOOP V. MOHTA, J.)